

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT MOYER,	:	
	Plaintiff,	:
		:
v.	:	No. 18-cv-02267
		:
		:
ARAMARK;	:	
KENT DAHLQUIST, <i>Individually and as</i>	:	
<i>an Employee of Kutztown University;</i>	:	
GERALD SILBERMAN, <i>Individually and</i>	:	
<i>as an Employee of Kutztown;</i>	:	
JOHN DOE, <i>Individually and as an</i>	:	
<i>Employee of Kutztown University; and</i>	:	
KUTZTOWN UNIVERSITY,	:	
Defendants.	:	
	:	

O R D E R

AND NOW, this 7th day of March, 2019, upon consideration of Plaintiffs' Amended Complaint, ECF No. 12; Defendants' Motion to Dismiss, ECF No. 13; Plaintiffs' Response, ECF No. 14; and Defendants' Reply, ECF No. 15, and for the reasons set forth in the accompanying Opinion, **IT IS ORDERED THAT**:

1. Defendants' Motion to Dismiss, ECF No. 13, is **GRANTED in part**;
 2. The claims in Counts I–IV are **DISMISSED without prejudice**;
 3. Plaintiff is granted leave to file a second Amended Complaint for Counts I–IV consistent with the accompanying Opinion **on or before March 28, 2019**; and
4. The Court will hold in abeyance its decision on the remaining state law claims in Counts V and VI pending the filing of a second Amended Complaint, if any.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge